

**Planning and Zoning Commission
Meeting of January 7, 2015
Board of Supervisors' Meeting Room
County Administrative Center
219 East Cherry
Flagstaff, Arizona**

Members Present

Mark Buzzard - Chairman
Sat Best – Vice-Chair
Jack Doggett
Tammy Ontiveros
John Ruggles
Maggie Sacher
Don Walters
Mary Williams

Members Absent

Staff Present

Jason Christelman, Director
Jeanne Trupiano, Planning and Zoning Manager
Bob Short, Principal Planner
Zach Schwartz, Planner
Joe Rumann, Engineering Supervisor
Jessica Leiser, Deputy County Attorney
Melinda Rockhold, Recording Secretary

Chairman Buzzard called the meeting to order at 5:30PM. He noted procedures to the Audience. He also noted Case number 4 on the Agenda will be heard second.

I. APPROVAL OF MINUTES

MOTION: Commissioner Walters moved to approve the Minutes of December 3, 2014. Commissioner Ruggles seconded the Motion. The Motion was approved 6-0-2 with Commissioners Best and Sacher abstaining.

II. PUBLIC HEARINGS

1. Case No. CUP-14-038: A request for a new wireless communications facility to establish a 150-foot lattice tower and associated facilities in the General (G) Zone on 80 acres. The subject property is located within the Hwy. 64 corridor in the vicinity of Valle and is identified as Assessor's Parcel Number 500-04-010.
Applicant: DW Tower, LLC, Flagstaff, Arizona

Mr. Schwartz summarized the staff report along with a PowerPoint presentation. He noted co-location is available and staff is recommending approval.

Commissioner Best noted the site is not an ideal location per County standards. He asked how the Commission and staff can make sure co-locators meet industry standards. Mr. Schwartz explained staff cannot impose specific standards that would require the applicant to change their business plan without getting into legal issues. Mr. Schwartz noted the Commission can deny the request. Staff believes it will not be a huge visual impact.

Ken Jacobs, representative for DW Tower, Flagstaff, stated the business plan is to get as many tenants on this tower as possible. Mr. Jacobs explained DW Tower has a long history with carriers in Northern Arizona. He agreed it is a visual corridor, however, this would fill the gap for lack of service between Valle and Red Lake. Mr. Jacobs stated his client agreed with the conditions.

Commissioner Best noted a specific carrier was not listed on their business plan. Mr. Jacobs stated his client has numerous agreements with that carrier and did not know why it wasn't listed because they do have an interest in co-locating on this tower.

Commissioner Doggett asked about standard pricing. Mr. Jacobs stated he does not deal with the leasing aspect. Commissioner Doggett suggested adding a condition stating the tower facility will be made available for co-location for other carriers. Mr. Jacobs agreed.

The floor was opened for public comment.

Reg Destree, Reliant Land Services, 7201 E. Camelback Road, Scottsdale, representing Verizon, stated he was present to show support for the proposal. Verizon will be the initial tenant. Mr. Destree explained the Verizon coverage in the area.

The floor was closed for public comment.

Commissioner Ruggles stated he went to the site with staff and Mr. Jacobs. He felt the visual impact will lessen as the tower weathers. It is off the road and also adjacent to the Perrin Wind Farm. Commissioner Ruggles was in favor of the request.

Commissioner Best asked Ms. Leiser if a condition could be added to state all companies/co-locators would be treated equally. Ms. Leiser said no.

MOTION: Commissioner Best moved to approve Case No. CUP-14-038 adding a 12th condition to read "The tower facility will be available to as many carriers as possible for co-location." Commissioner Doggett seconded the Motion. The Motion passed unanimously.

4. Case No. ZC-14-004: A request for modification of the Master Development Plan for the RC (Resort Commercial) Zone for Happy Jack Lodge to include a seven-bedroom family retreat center cabin, fuel service station, employee housing, greenhouse, garden areas, chicken coop, and outfitting center. The subject property is located at Mile Post 292.5 on Forest Highway 3 approximately two miles north of Clints Well, and is identified as Assessor's Parcel Number 402-31-003C. This case is being reviewed on remand from the Board of Supervisors.
Applicant: Happy Jack Lodge, LLC, Happy Jack, Arizona

Mr. Short summarized the staff report along with a PowerPoint presentation. Mr. Short noted the Board of Supervisor's remanded the Case back to the Planning and Zoning Commission. Mr. Short stated Conditions 12 and 15 from the original staff report were removed. He explained the applicant shows 600 RV storage sites where the record of approval was for 597, 115 full RV hook-ups where 114 were approved, and a total of 25,000 square feet of cabin area was approved. Mr. Short stated staff is okay adding 3 RV spaces to equal 600 as long as they are documented on a scaled site plan. He noted the Engineering Division would like to see the buildings and infrastructure on the site plan to scale. Mr. Short noted Condition 7 was revised to include Coconino County Environmental Quality approval and lastly a 16th Condition was added per the Board of Supervisors direction regarding the outfitter guide. Staff is recommending approval with the proposed amended conditions.

Commissioner Best referred to Condition 9 noting the Lodge could not be rented out monthly and clarified the lodge could not be used as a permanent dwelling. Mr. Short said that was correct. Commissioner Best asked the response time for medical emergency. He noted the site is becoming a 'village' and should have medical staff. Mr. Short noted the site is not in a fire district and referred the question to the applicant.

Commissioner Ontiveros referred to Condition 3.B and asked if it should remain 114 RV hook-ups. Mr. Short said his count was 114 in the Master Plan. He was okay with 115 but stated approval for 115 hook-ups just needs to be documented.

Terrence Milligan, Flagstaff, stated they do not change the rules, they play by the rules and everything that is on the site has been approved. Mr. Milligan stated previous staff members have spent 200-300 hours on site to micromanage. He noted the units/cabins have been on site since the 1970's. Mr. Milligan stated they wanted to update the Master Plan to include every use so there is no misunderstanding.

Mr. Milligan referred to a condition requiring approval from the AZ Dept. of Agriculture prior to serving their on-site raised beef and eggs. He was told by the state no permit was needed by them. Mr. Milligan stated he had received a letter from Coconino County Health Department stating all water and sewer lines are to be approved by the County. Now there is a condition stating approval is needed through ADEQ. Mr. Milligan noted his frustration for the lack of communication between the State and County offices.

Mr. Milligan stated he did not want to do an 'as-built' site plan. It would be very costly.

Regarding Condition 3, Mr. Milligan said he rounded the number for RV storage. He can change that number back. For RV hook-ups the County overlooked the host site.

Regarding Condition 7 Mr. Milligan said he had a letter from Randy Phillips contradicting needing ADEQ approval. Mr. Milligan reiterated the lack of communication and understanding between the State and County on who has authority of sewer and water lines. Mr. Milligan recommended amending Condition 7 to list the regulatory authority in charge. Mr. Milligan referred to Condition 15 and stated there is nothing on site that has not been permitted.

Commissioner Doggett referred to Mr. Short's PowerPoint presentation showing Condition 3.E stating a scaled site plan shall be obtained by staff. He asked Mr. Milligan what he would prefer. Mr. Milligan felt his current site plan is very detailed and again noted the cost to do an 'as-built' site plan. They cannot predict future improvements. Commissioner Doggett stated the Commission has no sense of the scale of the existing improvements on-site.

Commissioner Walters asked Mr. Milligan if the Lodge is referring guide services or if they are actually booking people. Mr. Milligan said they are referring his guests to a third party. Commissioner Walters did not see the need for Condition 16. Mr. Milligan added the Forest Service approached him stating the need for a visitor center. He asked if allowing the Forest Service to use the Lodge requires County approval.

Commissioner Best suggested taking an aerial photograph and draw that to scale. He did not believe staff was asking for an Alta survey. Mr. Milligan stated structures were approved decades ago. Commissioner Best will ask staff if an aerial to scale would suffice. Commissioner Best asked about emergency response. Mr. Milligan stated there are two fire trucks and four EMT's on site. He noted Blue Ridge is 10 minutes away, Pine-Strawberry is 15 minutes away and Rim Country is seven minutes away.

Commissioner Williams asked Mr. Milligan about the retreat center. Mr. Milligan stated the goal is to have a family stay during a tragedy. He was not aware of any time limits and did not think there should be any restrictions.

Commissioner Ontiveros referred to Condition 14 and asked Mr. Short if the County issues a permit prior to the installation of fuel tanks. Owning fuel stations, Commissioner Ontiveros explained the underground fuel tanks are to be installed then approved by the State Fire Marshall then it is to be registered with ADEQ annually. Commissioner Ontiveros suggested Condition 14 to read: "The applicant shall obtain approval from the State Fire Marshall for the installation of the fuel tanks on site. Registration of underground storage tanks shall be done after installation of fuel tanks." Mr. Short agreed with the rewording.

Commissioner Doggett asked Mr. Short if future buildings can be shown as approximate locations and scale so it would not have to be engineered. Mr. Short used the 25 cabins on the site plan as an example that are not to scale. He noted they have been shown on previous site plans like that for many years. Commissioner Doggett stated he would like to see staff and Mr. Milligan work together. Mr. Short added Joe Rumann, Engineering Supervisor, had noted some infrastructure did not appear to be in correct location. Mr. Short added it does not have to be engineered but closer to what it actually is. Commissioner Walters thought an aerial photograph with a scale noted would help the Commission and staff understand what is on the site and how much more can go on there. Mr. Milligan felt requiring an aerial would hold up his process.

Ms. Trupiano noted the Master Plan shows land uses and approval can go forward. Staff would like a site plan that is accurate for their records. Mr. Milligan stated everything that has been pre-approved and constructed has been as-built and reflected on the map. Ms. Trupiano noted two detention basins on the existing site plan shows the RV site overlaps them. Mr. Milligan said that was not the case. He suggested the County Engineer walk the site.

Commissioner Doggett clarified the recommended changes: 3A change to 597 RV storage spaces, 3E change to: All existing development on site shall be in the correct location and drawn to scale. Approved and proposed development on the site can be approximate location and scale.; Condition 7 remove ADEQ and replace with 'regulatory'; Condition 8 remove 'and shall not be rented on a month-to-month basis'; and Condition 14 modified by Commissioner Ontiveros to read: "The applicant shall obtain approval by the State Fire Marshall for the installation of the underground storage tanks on site. After installation of underground storage tanks the applicant shall register said tanks with ADEQ and remain in compliance with ADEQ." And Condition 16 is omitted. Commissioner Best asked if a building permit is required by the County. Ms. Leiser clarified a building permit is required under the Building Code which is separate from the Zoning Ordinance. A condition would tie the two together. Ms. Leiser suggested Condition 14 to read: All required permitting and approval from the necessary entities shall be obtained for the fuel tanks.

Mr. Milligan stated he could not do an accurate site plan. Mr. Short said staff would like to see 597 RV storage spaces as approved shown on the site plan with a general correct layout. It does not have to be perfect. Mr. Milligan said he has already submitted as-builts on every building. Ms. Leiser clarified staff needs an accurate site plan. The Master Plan is separate from the site plan. She recommended Condition 3 to read "3 The Applicant shall submit a site plan to Community Development staff within 180 days of approval showing the following: A, B, C, etc. It was noted it would not hold up Mr. Milligan's project. Mr. Milligan agreed to Condition 3 as proposed by Ms. Leiser.

There was no public comment.

MOTION: Commissioner Doggett moved to approve Case No. ZC-14-004 with the 15 conditions listed in the staff report amending Condition 3 to read: The applicant shall submit a site plan to Community Development within 180 days showing the following:

- a. 597 storage spaces shown in the correct location and scale
- b. 114 full hookup RV camp sites
- c. Five cabins with 18 motel rooms
- d. One 5,000 sq. ft. cabin and any combination of 1,000 and 5,000 sq. ft. cabins equaling no more than 25,000 sq. ft.
- e. All existing development on the site in the correction location and drawn to scale. Approved and proposed development in approximate location and drawn to scale. This shall include existing and proposed infrastructure such as drainage basins as approved by the Engineering Division.

Condition 7 striking ADEQ and replace with regulatory;

Condition 9 to read: The family retreat center shall be rented as a single unit and shall not be used for employee housing.

Condition 14 to read: All required permitting and approval from the necessary entities shall be obtained for the fuel tanks.

Commissioner Walters seconded the Motion. The Motion for approval was unanimous. Chairman Buzzard noted the Case goes onto the Board of Supervisors as a recommendation.

2. Case No. CUP-14-039: A request for a commercial water fill station and related facilities for the public and water hauling companies on 11.3 acres in the General (G) Zone. The property is located in Pittman Valley at 7887 E. Old Route 66, and is identified as Assessor's Parcel Number 203-17-001.

Applicant: Rotter Family Trust, Flagstaff, Arizona

Ms. Leiser recommended to the Commission they not receive any testimony regarding any water adequacy, water quality and drawing of wells. That is State jurisdiction.

Mr. Schwartz summarized the staff report along with a PowerPoint presentation. He noted staff is recommending approval for a one-year timeframe to make sure conditions are complied with.

Commissioner Ruggles referred to the daylight hours and asked how it can be controlled if the applicant is proposing an automated system. Mr. Schwartz said he was not sure how it would be regulated. Daylight hours was proposed by the applicant.

Tony Cullum 14 E Dale, Flagstaff representative for the applicant, gave a history of the property and water distribution. Mr. Cullum stated nothing needs to be changed to the standpipe and has had a Conditional Use Permit since 1988. Regarding Condition 2, they are asking for crushed asphalt in lieu of pavement. Mr. Cullum said they have had a conversation with the Engineering Department and understand they are in agreement with

that. Condition 7 states a one-year term and are asking for 15 years. He reiterated everything on site has always been in place. Mr. Cullum stated the area is growing and most homes are haul water situations. There is a huge need for the water standpipe. Mr. Cullum noted two fire districts in the area are in favor. Mr. Cullum stated the family had run water to Tusayan for many years until water became available there. Water is now run only to Mountain Ranch Resort. Mr. Cullum said they have had 2 meetings with the neighbors and are trying to accommodate their concerns. Mr. Cullum said daylight hours of operation should mitigate the neighbors' concerns. He noted the automated system is an electronic card system and can be set on certain hours and can also override those to accommodate the fire departments. Mr. Cullum added professionals were hired to look at the concerns of the neighbors and address those issues.

There were no questions for Mr. Cullum. The floor was opened for public comment.

Robert Hing, 6609 N. Scottsdale, Road, Scottsdale, stated he owns 175 acres to the East. He bought his property in 1982. His tenant has lived on the property even prior to his owning the property. Mr. Hing noted the people in favor live in subdivisions, not in the immediate area. Mr. Hing added the site has been operating for 20 years in violation and also haven't met required conditions. Mr. Hing also noted the original request was denied in 1988 to allow only trucking to 2 hotels, now they want to commercialize it. Mr. Hing said the neighborhood is unanimously in opposition.

Ben Lakier, 1222 E. Jen Drive, read a letter in support from Bruce Zeller, owner of the Circle Pines KOA Campground, in support. A copy of the letter was given to staff for the record.

Mike Cohan, 116 N. Good Lane, Williams, approximately one mile south of the proposed site, stated a new 25,000 gallon water storage tank was installed within the last 8 months. It is a radical change from what has been done the past ten years. Mr. Cohan asked Ms. Leiser to clarify what the welfare of the community means. Ms. Leiser explained it refers to land use related matters such as traffic, dust, light and noise pollution. Not water use issues.

Cindy Meier, 8369 E Route 66, Williams, property owned by Mr. Hing, stated she has lived there since 1979. Ms. Meier said she did not see daily trucks in the 1980's hauling from the site. The proposed use is not the same as it had been. There is now minimal impact hauling to the Quality Inn Mountain Ranch. Ms. Meier added the tanks have had no lighting for the past 20 years. There are now lights at the site. She asked the Commission to not trust the accuracy of the application and was opposed to the request.

Bob Mills, representing Sherwood Forest Estates Fire District, 450 Little John, stated they haul and store water on site up to 60,000 gallons. The proposed site is 3.5 miles away. Until last year they were hauling water from Williams 25-30 miles away. Mr. Mills explained they are part of a cooperative with many Northern Arizona fire districts. If those districts assist them with fires those fire districts could get water from the proposed

site if Sherwood Forest Estates Fire District's tanks were empty. Mr. Mills noted they also haul water for Federal fire fighters. Mr. Mills stated he is also representing Sherwood Forest Estates Property Owners Association and read a letter from the association president, Jack Hadley, who is in support of the request. A copy of the letter was given for the record. Mr. Mills referred to the daylight hours and asked times be set instead because it may not be daylight after people get home from work. Mr. Mills added the Deer Farm is also in support.

Robert Lawson, 7887 E. Old Route 66, Williams, stated he owns land across from the site and is in support of the request.

Daniel Dormandy, 7711 E Robin Hood Rd., Williams, was in support of the request. He stated he now goes to Flagstaff or Bellemont to get water.

Troy Kelley, 13607 E. Spring Valley Road, Parks, thought the request was good for the community and added he hauls water up to three times a week Commissioner Best asked Mr. Kelly about the daylight hours. Mr. Kelley said he works in Flagstaff and currently gets the water in Flagstaff. Having a water resource close is good. Daylight hours would restrict people in the winter.

Lyle Delp, 520 N. Good Lane, Williams, said the immediate residents do not want more commercial activity in the area. He felt it would set precedence for commercial entities.

Tom Carter, 407 N. Good Lane, Williams, had a signed petition in opposition and gave that to staff.

Antoinette Stovenel, 7691 E. Pittman Valley Road, Williams, stated several people in the area have their property for sale because of this proposal.

Frank Rotter, Mountain Ranch Resort, stated his family has never hauled water to Tusayan from this site. It has only been hauled to Mountain Ranch Resort. Mr. Rotter explained two 5,000 gallon tanks haul to the Resort two to three times a week in the summer. He said he has been asked by very few people if they could get water from this site. He does have a controversy with family. He does agree to provide water to fire departments and residents to haul water from the site but does not believe in commercializing it. He was not in support of the request.

The floor was closed to the public.

The Commissioner took a break from 8:15PM and resumed at 8:25PM.

Commissioner Williams asked Ms. Leiser if the Commission could approved in modified form to not allow commercial water haulers. Ms. Leiser explained they could add a Condition to limit it to certain categories but list in the Findings why.

Commissioner Ruggles thought utilizing crushed asphalt for the driveway was a good solution in lieu of pavement. He also thought a one-year approval is appropriate after hearing the neighbors. If no commercial use is allowed, a one-year timeframe would be good to evaluate the site and compliance of conditions. He noted he did go to the site and agreed it is well maintained and the turn-around is adequate.

Commissioner Sacher questioned the new tank that was noted being put in recently. She asked if there is any building permit history and if the County knows about it. Mr. Cullum said the family said there were three wells and two tanks. A third tank was put o\in recently and everything is permitted. Mr. Cullum said everything is permitted through AZ Dept. of Water Resources and AZ Dept. of Environmental Quality.

Commissioner Sacher asked staff if they agreed expanding the business does not come under County purview. Ms. Trupiano stated adding a third tank would require a modification to the Conditional Use Permit along with a building permit.

Commissioner Doggett asked Mr. Cullum when the third tank was installed. Mr. Cullum did not know the date.

Commissioner Best stated the applicant's representative's statements are confusing. The use is quite a change and several things have changed. He does support a one-year term if the request is approved because there has been no CUP for 20 years and a tank installed without the proper permits. He agreed with Commissioner William's comment in not allowing commercial haulers and just allowing trucks to serve Quality Mountain Ranch, private individuals and fire departments. Regarding daylight hours, he would change it to 7AM to 7PM. Summer daylight could start at 5AM and winter evening hours would be difficult. Commissioner Best stated he would like to see all lighting compliant with current Dark Sky standards. He also thought paving would be appropriate if the site is serving fire departments especially since it was required 22 years ago. If there is fencing he would like to see earth tone colors.

Commissioner Ontiveros stated the County Engineer nodded in agreement with crushed asphalt. Commissioner Ontiveros clarified with Mr. Cullum the original approval for commercial hauling was only for the two hotels. Mr. Cullum said that was correct. Commissioner Ontiveros asked the size of the water trucks for the fire departments. Mr. Cullum said they are small bobtail trucks. She asked the amount of trips that are done to Mountain Ranch Resort. Mr. Rotter stated he has two 5,000 gallon trucks that hauls two to three times a week, a total of 10 loads.

Commissioner Ruggles noted Condition 5 includes lighting requirements.

Commissioner Ontiveros commented it is an emotional issue and this area has always been a water haul area. She noted to the audience the Commission has to make Findings of Fact. She can make all four Findings of Fact that are required to issue the Conditional Use Permit. She agreed with the one-year term because of the opposition given.

Commissioner Doggett agreed he can make the Findings for approval as well. He does support the residential use but not commercial haulers. He agreed with the hours of operation to be 7AM to 7PM. He also felt the one-year term was appropriate because of non-compliance. It gives the applicant the opportunity to comply and the neighbors can see the operation.

Chairman Buzzard stated Condition 1 should be made specific the only commercial truck allowed is for the hotel.

Commissioner Best suggested Condition 1 to read: The uses of the property shall be restricted to serving the Mountain Ranch Resort, the residential public and fire departments. Hours of operation shall be 7am to 7pm.

Commissioner Williams suggested for Condition 2 to change the word ‘paved’ with improved. Staff and the applicant can work together on the type of improvement.

Commissioner Best would like to Condition 5 to include all signage and lighting, not just future.

Commissioner Sacher suggested Condition 3 for landscaping to be completed within 12 months. Also Condition 6 to note permits required by the County. Commissioner Best would like to change the word ‘narrative’ to ‘plan’. Commissioner Sacher said with the recommended changes she can make the Findings for approval for one year and hoped the community will get along. It is a need for the community.

MOTION: Commissioner Best moved to approve Case No. CUP-14-039 with the following conditions:

1. The uses of the property shall be restricted to serving Mountain Ranch Resort, the residential public and Fire Departments. Hours of operation shall be 7:00am to 7:00pm.
2. The driveway as shown on the site plan shall be improved to the satisfaction of the Engineering Division prior to establishing on site water pick up from the public.
3. The applicant shall submit a revised site plan showing fencing, landscaping, or a combination thereof to achieve screening from neighboring properties to be approved by the Director of Community Development. The approved fencing and landscape plan shall be completed within 12 months. The submittal shall also include a plan addressing the mitigation and ongoing control of invasive weeds subject to approval by the Director of Community Development.
4. There shall be no parking of any vehicles on site.

5. All signage or lighting for the property shall be compliant with Zoning Ordinance Sections 26 and 27, respectively, and shall require a permit from Community Development prior to their addition to the site.
6. All requirements of Coconino County, the Arizona Department of Water Resources (ADWR) and Arizona Department of Environmental Quality (ADEQ) shall be satisfied.
7. This use permit shall be valid for a period of one (1) year to expire on January 7, 2016, before which time an application for renewal shall be submitted if the use is desired to continue beyond that date.

Commissioner Ontiveros seconded the Motion. The Motion was approved 8-0.

The next item on the Agenda was Case No. ZC-14-006.

3. Case No. ZC-14-006: A request for a Zone Change from Agricultural Residential (AR, 2 ½ acre minimum) to Commercial General (CG-10,000). The property is located on the west side of Hwy. 89 in the Doney Park area and is identified as Assessor's Parcel Number 301-28-026.
Applicant: Leaf Properties, Inc., Helen, GA

Ms. Trupiano gave a PowerPoint presentation and summarized the staff report. Ms. Trupiano stated the calls and emails she has received noted concerns of the following: sale of alcohol will increase vagrancy, lighting impacts, non-conformance with the Doney Park Area Plan, negative impact to property values, there is already vacant commercial property in the area, safety concerns regarding traffic and access. Ms. Trupiano stated staff can make the Finding if it is Conditional Zoning with 14 attached conditions. Ms. Trupiano explained any changes to the recommended conditions would require a modification to this zone change.

Commissioner Best stated he understood a Design Review Overlay (DRO) would need approval to comply with the Area Plan but clarified if no building permits were pulled within a year, the zoning would revert back to the current zoning. Ms. Trupiano said that was correct but the DRO would need to come before the Commission before issuance of building permits. It is specific to this Dollar General project. Ms. Trupiano added the applicant is aware a DRO is required. Commissioner Best was uncomfortable not having elevations for the project. He does not like speculative rezoning. Chairman Buzzard noted that is the purpose of the conditions listed.

Commissioner Sacher verified, if conditional zoning is approved, there is no commitment it will be built. Ms. Trupiano stated the conditional zoning is specific for the Dollar General project.

Commissioner Ruggles referred to the DRO recently approved for a proposed Dollar General Store in Kachina Village and noted those guidelines would be good for the applicant. Commissioner Ontiveros clarified the approval for the zoning change is a one-year time frame is from the date of the Board of Supervisors hearing. Ms. Trupiano said that was correct

Doug Kinsey, Helena, Georgia, stated he already has a 15-year lease in place for the Dollar General. Regarding neighbors concerns, Mr. Kinsey stated the sale of alcohol in 96 Arizona stores has never been an issue. They will comply with lighting requirements and make sure there is no concern about the speculative rezoning. Mr. Kinsey said they are committed to doing an access from Highway 89 providing ADOT approval.

Commissioner Ontiveros asked Mr. Kinsey why he is not utilizing already commercial zoned property that is vacant. Mr. Kinsey said he has looked at four other sites in Flagstaff and the County and this site fits his agenda needs. He referred to the commercial property across the street and noted it was not for sale. He also has a personal interest in developing a home site on the remaining residential portion of this site.

Commissioner Ruggles asked Mr. Kinsey if he had looked at the DRO requirements that came before the Commission for the Kachina Village Dollar General. Mr. Kinsey said he had and also the one approved on Highway 89 a couple years ago. Mr. Kinsey added he had received comments about the design to look similar to the Silver Saddle Stores. He knows what is required and is happy to meet those requirements. Commissioner Ruggles added additional lighting requirements were asked for because of reflection and being adjacent to residential properties. Mr. Kinsey said he recently went through a similar situation in Nevada and have alternatives available. Commissioner Sacher asked if Dollar General is aware of the Design Review requirements. Mr. Kinsey said they are. He will look further into the Kachina Village approval.

Commissioner Walters asked Mr. Kinsey if he has looked at an acceleration/deceleration lane. Mr. Kinsey said the neighbors do not want the access off Sunset Drive. Originally that is what the preliminary plan was. Mr. Kinsey said that idea was abandoned. He has had a conversation with ADOT. He thought they would support a driveway off Highway 89. He has submitted a Traffic Impact Analysis to ADOT that they are now reviewing.

Commissioner Doggett asked the separation distance from the proposed entrance to the existing intersection. Mr. Kinsey thought 200 feet from Silver Saddle Intersection. Mr. Kinsey added ADOT commented more spacing may be needed between the drive and Silver Saddle because of the left turn lane to the residential area.

Commissioner Doggett referred to the existing culvert and drive on the property and asked if that will be used. Mr. Kinsey said it may have to be moved closer to Sunset on the south side of the power pole. Commissioner Doggett verified the commercial building would not be immediately adjacent to the mobile home park. Mr. Kinsey said it would not. He also mentioned 30 parking spaces is the normal parking requirements for Dollar

General. He thought the development could be on one acre of land. Commercial Doggett noted there would be approximately 200 square foot of frontage left if the building is placed closer to Sunset and what would be proposed. Mr. Kinsey had no suggestions. Commissioner Doggett thought the site plan indicated the proposed drive would also access the residential portion of this parcel. Mr. Kinsey said at this time he would like to build a personal home to the rear of this parcel.

Commissioner Ruggles agreed with the parking assessment. He noted a parking variance would have to go before the Board of Adjustment. Mr. Kinsey said he was aware of that. If required to build 45 spaces they will.

Chairman Buzzard asked Mr. Kinsey if he read the 14 conditions and agreed with them. Mr. Kinsey said he had no issues.

The floor was opened for public comment.

Fred Taunton, 5420 Forest Drive, Flagstaff, was concerned with property values decreasing, alcohol sales is a big concern with nearby residents where alcohol is not sold. There is also commercial property within one mile that is vacant. Mr. Taunton questioned the site plan showing access to a residential site through commercial property. He thought further commercial development may happen. Regarding traffic from the north a turn lane to the site would be much safer, especially so close to a busy intersection. He did not want to see an access of Sunset Drive. He questioned ADOT approving the ingress/egress.

Steve Byrne, 5580, Forest Drive, McCann Estates, stated the intersection is the gateway to McCann estates and commercial property would compromise that. Mr. Byrne felt if commercial zoning is approved and built on you cannot go back. Congestion and safety at that intersection is a major issue. People turning left onto Highway 89 is also a major concern. He asked the Commission to protect the community and added that side of the road is all residentially zoned and should stay that way.

Vicki Stinson, 5340 Forest Drive, Flagstaff, agreed with the previous speakers and thought it would be a huge mistake approving the request. She felt it was inappropriate to have commercial development by residential. Ms. Stinson thought if a 9,000 square foot building becomes vacant, that may be more detrimental. She also noted other vacant commercial property with existing infrastructure that is for sale reasonably close. Ms. Stinson added she was concerned with the lighting impacts and traffic safety. Ms. Stinson noted a 45mph speed limit but most people go much faster through the intersection.

Phillip Stephen, 3924 Antone Road, Santa Barbara, CA, owner of the Silver Saddle Center across the street. Mr. Stephen said he is has owned the site for 31 years and feels he is part of the community. He stated he had meetings in the past with competitors of General Dollar and turned them down a. He does have 3 acres of commercial property but wants to have the proper business for the immediate community and not cheapen the

neighborhood. Mr. Stephen felt the business would attract most from elsewhere, not the immediate community. Mr. Stephen added he has worked with ADOT in the past for his property and would be surprised if ADOT would approve just a standard driveway off of Highway 89. Mr. Stephen added there is other existing commercially zoned property that is vacant and for sale. This would affect the immediate neighbors.

Ed Flores, 5550 Sunset Drive, Flagstaff, stated he worked on the Kachina Village Area Plan and noted the area plans are developed for the community by community members who get direction from the local citizens. Mr. Flores thought the Commission should look closely at the Doney Park Area Plan and quoted the Plan stating rezoning from residential to commercial is strongly discouraged unless in rare instances. He felt this is not a rare instance.

Luann Meek, 9350 Offenhauser Drive, Flagstaff, stated she is also representing her neighbors Ann Keller and David Ursing, also residents of McCann Estates. She noted Sunset Drive is the only access to the 41 homes in McCann Estates. A commercial driveway nearby would be dangerous for all residents. Ms. Meek stated the current agricultural residential zoning represents the character of the neighborhood. She reiterated Mr. Stephen's comments that it will attract non-community people. Ms. Meek also noted the catch basin on site from monsoon rains. She agreed with previous speakers regarding existing commercial property, light pollution and traffic safety issues.

Jim Booth, 5570 Oak Ranch Road, Flagstaff, stated there is a dollar store three miles away and another one mile further. Mr. Booth stated the Area Plan mentioned convenience and noted there is already a convenience store across the street. He felt this was just an opportunity for the applicant to purchase land cheaper than already existing commercially zoned land.

Justin Hansen, 5350 Forest Drive, agreed with the other speakers. He noted there are many young children in the area and the bus drops them off at Sunset Drive. Children from the mobile home park get on and off the bus at the proposed shared driveway. Mr. Hansen was opposed to the request.

Bruce Jepsen 5520 Forest Drive, explained he is a real estate manager for Family Dollar and Dollar General Stores. He explained they are no longer discount variety stores. The prices are similar to those at WalMart and grocery stores. Mr. Jepsen noted Dollar General turned down the location next to Savers because they didn't like the location. Mr. Jepsen said he sells these stores to developers. Mr. Jepsen also noted having a signed lease does not mean the deal is complete. Mr. Jepsen added the area has endured flooding and fire the past few years.

Pam Baldwin, 8985 N. Highway 89, broker and owner of Elden Peaks Properties, stated she is opposed to the request. She added she met with Mr. Kinsey and he is very aware of the commercial properties in the area that is vacant and for sale.

Mark McClaskey, 5565 Old Ranch Rd., Flagstaff, agreed with all the comments. From his home he can see the vacant lot. Mr. McClaskey added this is a migratory area for elk and deer. If approved he would see lights and delivery trucks. Traffic issues and alcohol sales are a major concern.

Heidi Krueger 5605 E. Sunset, Flagstaff, read a letter in opposition from Janet Hart, owner of the Silver Saddle Mobile Home Park, which was read for the record. Ms. Krueger stated she had received an invitation for the Citizen Participation meeting on a Tuesday for a Friday meeting. She made copies and put them in her neighbors' mail boxes. Ms. Krueger noted she is a business owner and supports business but in the appropriate area.

Tim Smith 5575 E. Sunset Drive, Flagstaff, stated he built his home 17 years ago and the neighborhood has grown nicely. Mr. Smith said he was told the applicant wanted to attract Timberline residents further north. Turning left back onto Highway 89 is a major safety issue and there is not needed.

Keith Roberts 5494 Forest Drive, Flagstaff, stated he reposted the Zoning Notice for the public hearing because it had blown down. Also many residents did not know about the citizen participation meeting. Mr. Roberts referred to the citizen participation letter stating the applicant wanted to rezone the property to put in a small general store. Mr. Roberts agreed with all the previous speakers regarding property values, safety, Area Plan, ADOT approval, etc.

Nancy Engstrom, 9400 Offenhauser Drive, Flagstaff, stated she is very opposed and there are many other places the store could lease.

Ryan Ralston, 5290 Forest Drive, Flagstaff, said there are many safety concerns and asked what happens after their lease is up.

Mark Page, 9485 Offenhauser Drive, Flagstaff, agreed with all the previous speakers and hoped the Commission considers their comments. His main concern was traffic safety and added it is already dangerous making a left hand turn onto Sunset off of Highway 89.

Jim Johnson, 5500 Oak Ranch Road, Flagstaff, agreed with Commissioner Best's comments in asking what is being approved. He asked if there is a drainage plan because the area now gets flooded since the Schultz Fire.

Cathy Flores, 5550 Sunset Drive, Flagstaff, commented the citizen participation meeting was on a Friday and with short notice or no notice at all to many property owners. Ms. Flores added she was on the Planning and Zoning Commission when the Doney Park Area Plan was approved. She quoted the Area Plan stated there is already 119 acres commercially zoned, when doing the Plan 80% of residents were against any more commercially zoned property. Ms. Flores added the Area Plan stating rezoning highway frontage is undesirable and should only be approved in rare instances. She also noted

there had been two other requests to rezone to commercial and were denied. Ms. Flores stated she felt the area was protected when the Area Plan came in affect. It is not the right location for such a project.

The floor was closed for public comment.

Commissioner Ontiveros began by stating she did not believe the request is consistent with the Doney Park Area Plan and agreed with the quotes that were given by the public regarding rezoning in rare instances and commercial property should be utilized before rezoning to commercial. She also stated the Commission must make three Findings for approval of a zone change and she cannot make any of those three Findings.

Commercial Doggett quoted the Area Plan stating rezoning should be a benefit to the residents and input received by the residents supports the zone change. Commissioner Doggett stated zone changes should take into account the opinions of the surrounding neighbors and also thought it was very clear in the goals, objectives and policies. Commissioner Doggett was concerned with taking a larger parcel and not addressing an isolated parcel between the proposed site and the adjacent mobile home park.

Commissioner Walters noted he participated on the Regional Plan for 4.5 years. The Plan did refer to an activity center at Silver Saddle. Commissioner Walters said the Regional Plan refers to the existing commercial site on the other side of the road. He agreed with traffic concerns and safety issues which was also considered during writing of the Regional Plan. Commissioner Walters stated there is too much vacant commercial already existing.

Commissioner Sacher stated she cannot make the Findings and quoted the Doney Park Area Plan reading “The zone change is limited to the land area needed to the planned use.” Even if she could support the zone change, Commissioner Sacher said 1.26 acres to commercial is much more than is needed.

Commissioner Ruggles concurred with the other Commissioners and could not make the required Findings. He agreed with Commissioner Doggett regarding the strip of land by the mobile home park and that it is speculative zoning. He added the Commission should look at the entire package. He did agree with the residents’ comments regarding traffic and safety issues. Commissioner Ruggles added there is already existing commercial property available and could not support the request.

Commissioner Williams agreed with the other Commissioners comments and could not support the request.

Chairman Buzzard explained to the Audience staff has made this a conditional zoning and felt it is very clear on what the Commission is voting on. He explained if the 14 listed conditions are not met it reverts back to the Agricultural Residential zoning which is a great tool. Commissioner Doggett stated that was a good point to make to the public and

added it may someday become commercial property but this was not the right project.

MOTION: Commissioner Doggett moved to deny Case No. ZC-14-006. Commissioner Ruggles seconded the Motion. The Motion to deny was unanimous.

Chairman Buzzard noted a Zone Change request does go before the Board of Supervisors.

Commissioner Sacher left the meeting at approximately 10:30PM.

5. Case No. AB-14-001: A request for Abandonment of County-owned property described as the west sixty (60) feet of Lot Ten (10) Unit One (1) FERNWOOD ESTATES as recorded in Case 3 of Maps, as Map 65. The property consists of .22 acres in the Agricultural Residential (AR) Zone, and is identified as Assessor's Parcel Number 301-62-010B.

Applicant: Coconino County Public Works Department

Ms. Trupiano summarized the staff report along with a PowerPoint presentation. She noted the lost size was actually .33 acres. She added the Case will also go before the Board of Supervisors for their final approval. Ms. Trupiano was also representing the Public Works Department. There were no questions for staff.

There was no public comment.

Commissioner Ruggles was familiar with the site and agreed with staff's recommendation.

MOTION: Commissioner Ruggles moved to approve Case No. AB-14-001 with the conditions listed in the staff report. Commissioner Ontiveros seconded the Motion. The Motion for approval was unanimous.

III. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no items from the public.

The meeting adjourned at 10:41PM.

Chairperson, Coconino County
Planning and Zoning Commission

ATTEST:

Secretary, Coconino County
Planning and Zoning Commission

